

***Semtek International, Inc. v. Lockheed Martin Corporation, et al*, Case No.: 97183023/CC3762, 2003 MDBT 4 (Circuit Court for Baltimore City)(March 20, 2002)(per Albert J. Matricciani, Jr.)**

As one step in a complicated history, plaintiff Semtek filed suit against Lockheed Martin for (1) inducing a breach of contract; (2) intentional interference with prospective economic advantage; (3) negligent interference with prospective economic advantage; and (4) conspiracy to interfere with prospective economic advantage. After an unsuccessful attempt to remove the case to federal court, Lockheed moved to dismiss the action in Baltimore City Circuit Court. Judge Joseph H. H. Kaplan granted the motion to dismiss and the Court of Special Appeals affirmed. *Semtek International v. Lockheed Martin Corporation*, 128 Md. App. 39 (1999). The Supreme Court reversed that judgment. *Semtek*, 121 S. Ct. 1021 (2001). Lockheed then renewed its motion to dismiss, which was denied by the Baltimore City Circuit Court.

Lockheed then filed a second motion to dismiss on the grounds of judicial estoppel and/or failure to state a claim.

**Held: Motion to dismiss granted in part and denied in part.**

**Synopsis: Lockheed's judicial estoppel argument was rejected because it did not demonstrate direct prejudice nor intentional misconduct on Semtek's part. The court did not dismiss the claim for intentional interference with contractual relations because Semtek possibly could prove the existence of a joint venture. For similar reasons, the court was unwilling to dismiss the intentional interference with prospective economic advantage. The negligent interference with prospective economic advantage claim was dismissed because Maryland does not recognize that cause of action. The fourth count, conspiracy to interfere with prospective economic advantage, was dismissed as duplicating those in Count 2.**

**Related cases: 2003 MDBT 5; 2003 MDBT 8; *Semtek International v. Lockheed*, No. 1930 (September Term 2003)(Court of Special Appeals).**